

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ULYSSES T. WARE §
VS. § CIVIL ACTION NO. 1:18cv144
KIM JONES, ET AL. §

MEMORANDUM OPINION AND ORDER

Plaintiff Ulysses T. Ware, an inmate formerly confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled lawsuit.

Discussion and Analysis

Along with his complaint, plaintiff submitted an application to proceed *in forma pauperis*. A review of the application revealed it was not in proper form. Accordingly, on April 23, 2018, plaintiff was ordered to submit a proper application to proceed in forma pauperis containing a printout from an authorized prison official for the six month period immediately preceding the filing of the complaint or pay the full filing fee of \$400. The order provided twenty (20) days within which to comply.

Fed. R. Civ. P. 41(b) authorizes the district court to dismiss an action for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). “This authority [under Rule 41(b)] flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash, R.R. Co.*, 370 U.S. 626, 629 (1962)).

As of this date, plaintiff has not complied with the order of the court. Thus, plaintiff has failed to diligently prosecute this case. Accordingly, this case should be dismissed for want of

prosecution pursuant to Fed. R. Civ. P. 41(b). Therefore, the above-styled action is dismissed without prejudice. Plaintiff may, within sixty (60) days from the date of this order, seek reinstatement of the case on the court's active docket by filing a motion requesting reinstatement along with a proper application to proceed *in forma pauperis*. A final judgment will be entered in this case in accordance with this order.

SIGNED this the **1** day of **March, 2019**.



Thad Heartfield
United States District Judge